



May 22, 2012

Chairman Jones and Members of the Senate Judiciary Committee:

The Michigan Psychiatric Society is not able to support this package at this time. We appreciate the large amount of time and effort invested by Senator Schuitmaker, Representative Lipton and the many organizations and advocates who have worked to refine this legislation. MPS has participated in the work groups developing this important package for about five years.

The issue of who can be designated as a **qualified examiner** remains a source of concern. The assessment of competence is both a clinical and a legal assessment. A third facet is presented when examining children and adolescents. The developmental maturity of the individual must be determined, making the evaluation of juveniles in many ways, more complex than adults.

Many of our members, physicians specialized and board certified in child and adolescent psychiatry would not hold themselves up to be qualified examiners unless they have also had forensic training. Likewise, psychiatrists not specialized in child and adolescent psychiatry would rarely undertake these evaluations.

There are some concerns about the available workforce and we support the development of Michigan-based training and certification of examiners, but the bills expand the professionals eligible for the training to those who lack the necessary pre-requisite professional capabilities. Counselors do not have the clinical training to undertake the tasks as outlined in the definition of a Competency Evaluation Report. Counselors do not have the authorization to diagnose in their scope of practice, and diagnosing is a fundamental skill for evaluation.

The importance of both solid forensic and clinical expertise specific to the adolescent population cannot be overstated. Arriving at a diagnosis is generally a process that develops over time, especially with kids. A forensic evaluation is a one-time occurrence. Mistakes have grave consequences for a child.

During the five years spent developing this package, we found very few states that allow professionals other than psychiatrists and fully licensed psychologists to become qualified, and those states operate Centers or oversee the professionals within a forensic division of the department.

The department would be charged with the responsibility of endorsing a training program for qualified examiners. The only entity in Michigan that we are aware of that would have the expertise to oversee the training and to qualify forensic experts is the Center for Forensic Psychiatry, which currently employs and trains psychiatrists and psychologists and social workers to perform various forensic duties within the Center. These professionals are credentialed, trained and supervised for these functions. The CFP social workers are not currently evaluating juveniles, to my knowledge. The Department of Community Health and Forensic Center are understandably concerned about the funding and staffing to undertake the responsibility, however, the oversight as described in these bills should be expanded to include substantiation that mental health professionals who wish to take the forensic training are prepared by education, training and experience to evaluate, diagnose and treat children and adolescents with emotional disorders, mental illness and developmental disability.

The Michigan Psychiatric Society looks forward to working on solutions for Michigan's youth—our future and precious resource.